IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11836 of 2004

Between:

M/s.Olympia Family Restaurant Nehru Park, Nizamabad,

Represented by its proprietor Mr.Syed Aijaz

..... PETITIONER

AND

1 Assistant P.F. Commissioner (Enf) Nizamabad.
2 Registrar, Employees Provident Fund Tribunal, Skylark Marg. 16 Nehru place, New Delhi.
3 The Recovery officer, SRO, Nizamabad -503001.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ order or direction under Article 226 of the Constitution of India in restraining the 1st and 3rd respondents in demanding sum of Rs.1,32,847/- pursuant to the order passed by the 1st respondent in proceedings No.AP/SRO/NZB/Enf/7A/2004/3980 dt.27-02-2004 as high handed due and illegal and consequently suspend the operation of the order as arbitrary and illegal pending disposal of the appeal before the IInd respondent and pass.

Counsel for the Petitioner:MR.TEJPRAKASH TOSHNIWAL

Counsel for the Respondents: MR.R.N.REDDY, Standing Counsel for Provident Fund

The Court at the admission stage made the following :

ORDER:

The petitioner seeks to challenge the proceedings dated 27-2-2004 issued by the 1st respondent bringing the petitioner – Restaurant under the Employees Provident Fund Act and demanding certain amount.

The learned counsel for the petitioner submits that against the impugned order, the petitioner had already preferred an appeal before the 2nd respondent, and though the appeal was filed as far back as on 13-5-2004, neither the appeal has been disposed of nor any interim orders passed therein, and pending disposal of the appeal, the 1st respondent is proceeding to take steps to enforce the order dated 27-2-2004. Hence, the present writ petition is filed.

Having regard to the fact that the appeal filed by the petitioner is pending before the 2nd respondent, I deem it appropriate to dispose of the writ petition with the following directions:

The 2nd respondent is directed to consider and dispose of the appeal or pending thereof consider passing interim orders in the interlocutory application filed therein, expeditiously. Till then, the respondents are directed not to take any coercive steps against the petitioner in pursuance of the order dated 27-2-2004.

The writ petition is disposed of accordingly. No costs.

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12-7-2004

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To

1 Assistant P.F. Commissioner (Enf) Nizamabad.
2 Registrar, Employees Provident Fund Tribunal, Skylark Marg. 16 Nehru place, New Delhi.
3 The Recovery officer, SRO, Nizamabad -503001.

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